

REQUEST FOR EARLY EFFECTIVE DATE

Pursuant to Government Code section 11343.4, the Air Resources Board (ARB) requests an early effective date for the enclosed adoption of Title 13, California Code of Regulations, sections 2450-2465, creating the Statewide Portable Equipment Registration Program. Good cause for this request exists.

The above-referenced program was adopted pursuant to specific directives from the California Legislature, Health and Safety Code 41750 et seq. Pursuant to the statute, the ARB was to “at the earliest feasible date, but not later than July 1, 1997,” adopt a statewide registration program for portable engines and equipment that would establish uniform regulations for such equipment throughout the state. Under prior law, such portable engines and equipment, which are capable of traveling across local air pollution control district lines, have been subject to a multiplicity of different permits and associated fees. In passing the authorizing Health and Safety Code provisions, the Legislature declared that “the multiplicity of [district] permits and regulatory requirements imposes a complex and costly burden on California businesses that use, hire, provide, and manufacture that equipment.” To further remedy this problem, the Legislature expressly preempted the districts from further regulating engines and equipment that register in the statewide program.

An early effective date will enable expeditious registration in the statewide program. Until then, portable engines and equipment will continue to be covered in the numerous district permitting programs, with the concomitant burdens and costs associated with the different programs. Failure to provide for an early effective date could have a potential adverse impact on the California businesses that continue to be subject to the multiplicity of different regulations. On the other hand, an early effective date should not have any adverse consequences for the regulated community or the general public. Indeed, the amendments, as explained in the rulemaking, should benefit both groups.

ARB intends to notify all affected manufacturers of the effective date of the amendments as soon as it is known.

Date: _____

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